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**UNITED STATES DEPARTMENT OF JUSTICE**

Office of the United States Trustee

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Attorneys for the Acting United States Trustee

SARA L. KISTLER

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

**USA Commercial Mortgage Company**  
**06-10725 -- Lead Case**

**USA Capital Realty Advisors, LLC**  
06-10726

**USA Capital Diversified Trust Deed Fund, LLC**  
06-10727

**USA Capital First Trust Deed Fund, LLC**  
06-10728

**USA Securities, LLC**  
06-10729 Debtors.

**Jointly Administered**

Chapter 11 Cases

Judge **Linda B. Rieggle** Presiding

Date: N/A

Time: N/A

**Affecting:**

☐ All Cases

**or Only:**

☐ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☒ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**NOTICE OF AMENDMENTS TO APPOINTMENT OF OFFICIAL  
COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST  
TRUST DEED FUND, LLC**

To the Honorable **LINDA B. RIEGLE**, United States Bankruptcy Judge:

Pursuant to 11 U.S.C. §§ 1102(a)(1) and(b) (2), the United States Trustee provides  
Notice of Amendments to the Appointment of Official Committee of Equity Security Holders  
filed in the case of In re USA Capital First Trust Deed Fund, LLC, Chapter 11 Case No. 06-  
10728, and states:

1           1.       On May 10, 2006, the United States Trustee filed its Notice of Appointment of  
2 Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC  
3 [Docket No. 204].

4           2.       Each of the individuals identified in the Notice of Appointment had submitted a  
5 written response to a solicitation from the United States Trustee confirming that they held an  
6 equity security interest in USA Capital First Trust Deed Fund, LLC, and were willing to serve as  
7 a committee member.

8           3.       Subsequent to the filing of the Notice of Appointment:

9               a.       Committee member Jerry T. McGimsey advised the United States Trustee  
10                      that he had mistakenly indicated that he is an equity security holder in  
11                      USA Capital First Trust Deed Fund, LLC, when in fact he is an equity  
12                      security holder in USA Capital Diversified Trust Deed Fund, LLC; and

13               b.       Committee member Richard Horowitz has informed the United States  
14                      Trustee of his resignation from service on the Committee.

15           4.       It is necessary to amend the Notice of Appointment filed by the United States  
16 Trustee on May 10, 2006 to designate appropriate replacements for Messrs. McGimsey and  
17 Horowitz. Such an amendment will ensure that the Official Committee of Equity Security  
18 Holders of USA Capital First Trust Deed Fund, LLC remains representative of the parties  
19 holding equity security interests in USA Capital First Trust Deed Fund, LLC, in a manner  
20 consistent with the provisions of 11 U.S.C. § 1102(b)(2). *See generally, In re America West*  
21 *Airlines*, 142 B.R. 901 (Bankr. D. Ariz. 1992).

22           5.       The Notice of Appointment filed by the United States Trustee on May 10, 2006,  
23 is therefore amended as follows:

24               a.       By removing Jerry T. McGimsey and Richard Horowitz from the  
25                      Committee membership roster; and

26               b.       By adding the following individuals, who are fairly chosen, who are  
27                      representative of the parties holding equity security interests in USA  
28                      Capital First Trust Deed Fund, LLC, and are willing to serve, as  
                    Committee members replacing Messrs. McGimsey and Horowitz:

i. John Goings

Address: P.O. Box 174  
Masonville, CO 80541  
Telephone: (303) 582-1771  
Telefax: (303) 582-1433  
Email: jgoings@bhwk.com

ii. Joseph S. Congress

Address: 9900 Wilbur May Parkway, #802  
Reno, NV 89521-4008  
Telephone: (775) 851-1762  
Telefax: (775) 851-1763  
Email: bjcong@fdltownhomes.com

**Dated:** June 1, 2006

Respectfully submitted,

**SARA L. KISTLER**  
**ACTING UNITED STATES TRUSTEE**  
**REGION 17**

By: /s/ August B. Landis  
August B. Landis, Assistant United States Trustee  
United States Department of Justice

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this date I served this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC:

1. Electronically upon all counsel and parties in interest on the CM/ECF service list as of June 1, 2006; and
2. By depositing an envelope in the United States Mail, first class postage fully prepaid and addressed to each of the parties listed below, each of which contained a true and correct copy of this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC:

Annette W. Jarvis  
P.O. Box 45385  
36 South State Street, #1400  
Salt Lake City, UT 84145-0385

Gregory J. Walch  
400 South Fourth Street, 3rd Floor  
Las Vegas, NV 89101

Nicholas J. Santoro  
400 South Fourth Street, 3rd Floor  
Las Vegas, NV 89101

Peter Susi  
Michaelson, Susi & Michaelson  
7th West Figueroa Street, 2nd Floor  
Santa Barbara, CA 93101

Dated: June 1, 2006

**OFFICE OF THE UNITED STATES TRUSTEE**

SARA L. KISTLER  
ACTING UNITED STATES TRUSTEE  
REGION 17

By: /s/ August B. Landis  
August B. Landis  
Assistant United States Trustee  
Las Vegas, Nevada

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